

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

ANDREASON

Atty. Ref.: 1410-762; Confirmation No. 1255

Appl. No. 09/898,480

TC/A.U. 2684

Filed: July 5, 2001

Examiner: Aminzay, Shaima Q.

For: AN ARRANGEMENT AND A METHOD IN A TELEPHONY SYSTEM

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August 7, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The advisory action indicates that the only outstanding rejection is the obviousness rejection of claims 1-5, 7, 9-16, 18, and 20 based on Henon and Jensen. This rejection is clearly in error.

Henon Transfers the Call from the Mobile to the Wireline Phone. In Henon, it is assumed that a call with the mobile is currently in progress. The wireline phone is not involved in the call yet. The mobile wants to transfer the call to the wireline phone and asks for the telephone number of the wireline phone over a Bluetooth wireless link. The wireline phone responds by sending its wireline telephone number. Thereafter, the mobile provides the wireline telephone number to the mobile network and asks that the call be set up with the wireline phone via the wireline network. As a result, the mobile network transfers the call via the wireline network in the conventional way from the mobile to the wireline phone. The user answers the call on the wireline phone and then hangs up the call on the mobile. Henon's purpose in

transferring the call from the mobile to the wireline phone is to conserve the mobile's battery by not having the mobile involved in the call once the transfer is complete.

In the rejected claims, by contrast, the call is not transferred from the mobile to the wireline phone. Nor is a wireline connection established as Henon requires. Instead, the call is made through the mobile. If the battery runs out, the call is dropped. But on the other hand, there is no need for a wireline connection in the claimed arrangement or method. Hence, the claims are directed to a very different objective than Henon's, and that objective is achieved by different technical features than Henon uses.

The Wireless Link in Henon Is Only Used to Obtain Call Transfer Information.

Henon only uses the Bluetooth link (a short range wireless link) to query the wireline phone for its phone number. The call content itself is never sent over that link. Thereafter, the mobile's involvement in the call and any link between the mobile and the wireline phone are ended.

Henon clearly explains these points in the summary of the invention section quoted below (1:56-2:12; emphasis added):

In-progress call transfer between a wireless telephone and a wired telephone is effected using a short-range wireless communication link between the devices. Each of the devices are provisioned to include a short-range radio or infrared transceiver so that the devices can communicate with each other over the short-range wireless communication link, preferably using a given short-range wireless protocol. A preferred short-range wireless protocol is Bluetooth, although any convenient protocol may be used for this purpose. When the wireless telephone's battery is almost exhausted, or for any other reason that the user may desire, the wireless telephone requests the wired telephone's phone number by communicating with the wired telephone over the short-range wireless communication link. Upon receipt of the wired telephone's phone number, the wireless telephone issues a call transfer request to a cellular base station, passing the wired telephone's phone number. The base station and the network then re-route the call to the wired telephone. When the user (or another) places the wired telephone off-hook, the in-progress telephone call is connected to both the wireless telephone and the

wired telephone. **The user may then disconnect the call from the wireless telephone [i.e., the mobile phone], for example, by going on-hook.** The telephone call transfer is then complete.

Henon Lacks the Claimed Call Path Between the Wired and Mobile Phones.

Independent claim 1 recites: "the stationary terminal is arranged to communicate over the mobile radio telephony network via the mobile radio telephone." Independent claim 7 recites: "communicating by the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone." Such a call path is not established in Henon via the mobile phone. In Henon, the call path is either with the stationary wireline phone or with the mobile phone, but not both. When the call is transferred in Henon to the stationary wireline phone, the call to the mobile is ended. Henon's mobile is never a "via" or conduit for the call involving the stationary wireline phone.

Other Clear Evidence of Non-obviousness. In addition to missing claim elements, further indicia are present that demonstrate non-obviousness. First, Henon *teaches away* from claims 1 and 7. In column 1, lines 18-21, Henon teaches: "those who use cellular telephones often find themselves cut off or dropped in the middle of a wireless call for any number of reasons, such as battery loss, network connection problems, or the like." Claims 1 and 7 suffer from this very problem that Henon explicitly wants to avoid. Using a mobile phone as a conduit for a call with a stationary wireline phone is the very type of thing Henon warns against.

Second, in the claimed approach, the stationary wireline phone lacks a wired connection to a fixed telephone network. Henon's system would not work without such a wired connection. Indeed, the call cannot be transferred to the stationary wireline phone without a wired connection. Thus, a modification to Henon to make it more like what is claimed not only is not consistent with Henon's teachings, it renders Henon inoperable for its intended purpose—

another clear indicia of non-obviousness. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992).

Other Missing Claim Features. Henon does not teach the claimed sequence of signals recited in claim 7 and reproduced here for convenience:

- sending, **from the stationary telephony terminal**, discovery signals over the short range wireless communication link;
- receiving in the mobile radio telephone said discovery signals;
- sending response signals from the mobile radio telephone;
- receiving in the stationary telephony terminal the response signals; and
- sending a mobile identification signal from the mobile radio telephone, and thereafter, generating a ring signal at the stationary telephony terminal to indicate an incoming call.

Henon's mobile sends a phone number request requesting the wireline phone's telephone number. The wireline telephone replies with its wireline telephone. Then the mobile sends the call transfer request. See 3:62-4:8. This is the opposite from the steps quoted from claim 7 above where it is the stationary wireline telephone—not the mobile—that sends the initial request message. In addition, Henon does not establish a speech channel on the Bluetooth link between the stationary wireline telephone and mobile, as recited in claim 16.

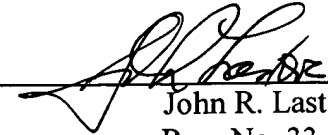
Jensen does not remedy Henon's deficiencies. The final rejection should be withdrawn and the application allowed. An early notice to that effect is respectfully requested.

Tomas Andreason
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100